

REMARKS

In response to the above identified Office Action, Applicant has amended the application and respectfully requests reconsideration thereof.

Amendment of Claims

Claims 7 and 18 have been amended to improve form.

Claims 1, 14, 20, 28 and 29 have been amended to include subject matter corresponding substantially to that of cancelled claims 13 or 19. Amendments to claims 14, 20, 28 and 29 are responsive to the Office Action, placing the respective claims in condition for allowance.

Response to Claim Rejections – 35 USC § 102

Claims 1-22 and 26-29 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. patent no. 6,489,968 (hereinafter Ortega).

To anticipate a claim, the reference must teach every element of the claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Applicant respectfully submits that the rejection of claims 1-22 and 26-29 under 35 U.S.C. § 102(e) cannot be sustained for the reason that Ortega does not disclose each and every limitation of the claim 1 of the present application.

Claim 1 includes the following limitations:

defining a first structure of categories to classify a data item, the first structure including at least a first category; and

defining a second structure of categories to provide an alternative classification of the data item, the second structure including at least a second category,

...wherein the first category comprises a first category path defined in terms of the first structure of categories and the second category comprises a second category path defined in terms of the second structure of categories.

The Office Action, in rejecting claim 1, contends that the above limitation is anticipated by the following Figure in Ortega:

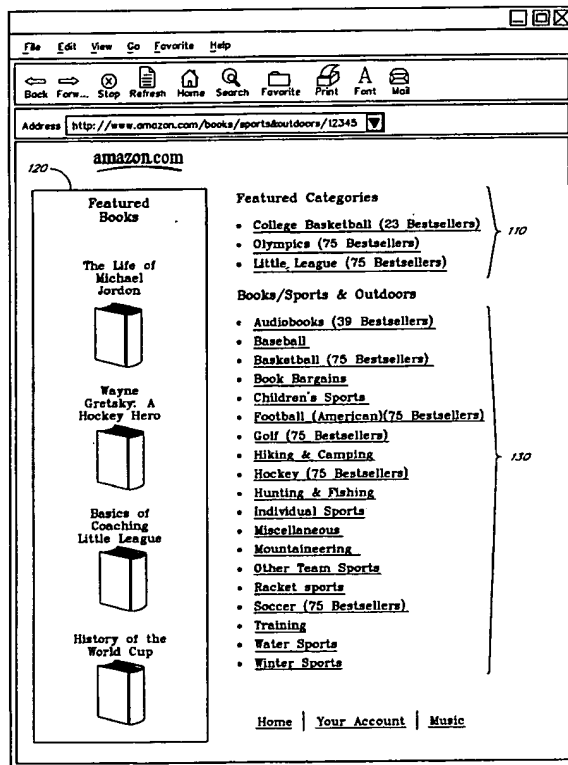


FIG. 1A

Figure 1A.

The Office Action indicates that “the first category comprises a first category path (Olympics is a path link, 110, Fig. 1A) defined in terms of the first structure of categories and the second category comprises a second category path (Little League is another path link, Fig. 1A) defined in terms of the second structure of categories” (Page 5).

Claim 1 requires first and second category paths that classify the same data item. An example data item may include a 2003 Blue convertible Taurus Car that is located by following an exemplary first category path “Passenger_50 /Ford_2000 /Taurus_8000” or an exemplary second category path “Passenger_51/Ford_2001/Taurus_8001”. In both examples the same data item, the 2003 Blue convertible Taurus Car, is reached via alternate paths. In contrast, Ortega does not disclose alternate paths that lead to the same data item; but rather, “path link[s]” which lead to different categories containing different books (e.g., Olympic books and Little League Books). Ortega therefore cannot be said to anticipate the above quoted limitation because Ortega describes “path link[s]” which lead to different books and Claim 1 requires first and second category paths that classify the same data item.

In summary, Ortega does not disclose each and every limitation of claim 1, as required to support a rejection of this claim under 35 U.S.C. § 102(e).

Independent claims 14, 20, 28 and 29 each include a limitation corresponding substantially to the above-discussed limitation of claim 1. The above remarks are accordingly also applicable to a consideration of these independent claims.

Accordingly, Applicant requests that the above remarks and amendments contained

herein also be considered when examining these other independent claims for allowability.

As dependent claims are deemed to include all limitation of claims from which they depend, the rejection of claims 2-12, 15-18, 21-22 and 26-27 under 35 U.S.C. § 102(e) is also addressed by the above remarks, and the amendments contained herein

Response to Claim Rejections – 35 USC § 103

Claims 23-25 stand rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Ortega in view of U.S. Patent No. 6,321,259 (hereinafter Ouellette).

Applicant respectfully submits that the rejection of claims 23-25 under 35 U.S.C. § 103 cannot be sustained for the reason that prior art references when combined do not teach or suggest all of the claim limitations of the independent claims of the present application.

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Independent claim 20 includes a limitation corresponding substantially to the above-discussed limitation of claim 1. The above remarks are accordingly also applicable to a consideration of this independent claim.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 23-25 under 35 U.S.C. § 103 is also addressed by the above remarks.

In summary, Ortega in combination with Ouellette does not teach or suggest each and every limitation of claims 23-25 as required to support a rejection of the claims of the present application under 35 U.S.C. § 103.

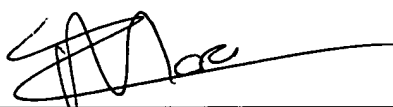
In summary, Applicant believes that all rejections presented in the Office Action have been fully addressed and withdrawal of these rejections is respectfully requested. Applicant furthermore believes that all claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact André Marais at (408) 947-8200.

Respectfully submitted,

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